

Present: June Sager Speakman, Kate G. Weymouth, Ann P. Strong, Michael W. Carroll and Steve Primiano

Also Present: Town Manager Peter A. DeAngelis, Jr., Town Solicitor Michael Ursillo, Finance Director Kathy Raposa, Tax Assessor Michael Minardi, Police Chief John M. LaCross, Fire Chief Gerald Bessette, Public Works Interim Director Joseph Piccerelli, Building Official Robert B. Speaker (excused), Town Planner Philip Hervey, Library Director Deborah Barchi, Leisure Services Director Michele Geremia, Human Resources Director MariAnn Oliveira, and Town Clerk Meredith J. DeSisto

Council President Speakman called the meeting to order at 7:03 P.M.

Mrs. Speakman asked everyone to stand and join in the Pledge of Allegiance.

INTERVIEWS:

There were no interviews.

RESIGNATIONS:

There were no resignations.

APPOINTMENTS/REAPPOINTMENTS:

- Housing Board of Trustees: (vacancy) – **Motion** by Mrs. Weymouth and seconded by Mr. Carroll to appoint **Suzanne Rosevear** (interviewed on August 3, 2015) to the **Housing Board of Trustees** with a term ending date of December 31, 2018. **The motion passed unanimously.**

ANNOUNCEMENTS:

- Solarize Barrington: The deadline to apply is February 15, 2016 – www.solarizeri.com/Barrington: Town Manager Peter DeAngelis encouraged residents to apply.
- Family Ice Skating Party: Friday, January 29, 2016 6:30-8:30PM. Leisure Services Director Michele Geremia announced the Family Ice Skating Party is scheduled for Friday, January 29, 2016. Mrs. Geremia said that it is weather dependent, and, in case of postponement, the date will be Friday, February 5, 2016. Mrs. Geremia said that all are welcome to attend and that there will be plenty hot chocolate and cookies, as well as, a roaring fire.
- Luke Rein: Mrs. Strong announced that the Providence Journal wrote a story on Luke Rein, a Barrington resident who has completed a 4,030 mile bike trip in 68 days, from the East Bay Bike Path to California in order to raise climate change awareness.

CORRESPONDENCE:

There was no correspondence.

RESOLUTIONS:

- Resolution Supporting Mutual Aid Agreement between Barrington Police Department and East Providence Police Department: **Motion** by Mrs. Weymouth and seconded by Mr. Primiano to adopt the resolution supporting the mutual aid agreement between Barrington Police Department and East Providence Police Department. **The motion passed unanimously.**
- Resolution Supporting Mutual Aid Agreement between Barrington Police Department and Warren Police Department: **Motion** by Mrs. Weymouth and seconded by Mr. Primiano to adopt the resolution supporting the mutual aid agreement between Barrington Police Department and Warren Police Department. **The motion passed unanimously.**

CONSENT AGENDA (*)

- Town Solicitor Michael Ursillo requested that the minutes of the December 7, 2015 Town Council meeting be removed from the consent agenda. **Motion** by Mrs. Weymouth and seconded by Mr. Primiano to adopt the Consent Agenda items #9-#15 without the meeting minutes of December 7, 2015. **The motion passed unanimously.** Mr. Ursillo requested that the minutes be amended within the motion of the section titled, DISCUSS AND ACT ON

RECOMMENDATION FROM THE PLANNING BOARD ON REQUEST TO DONATE DEVELOPMENT RIGHTS ON VACANT LAND AT BLOUNT CIRCLE, "...to accept the proposal purchase..." Mr. Primiano requested to amend the minutes within the same sentence, "...development rights on Lot 259..." and Mrs. Speakman requested to amend the minutes within the section titled, CONSENT AGENDA, "Mr. Carroll..." **Motion** by Mr. Carroll and seconded by Mrs. Strong to accept the amended minutes of December 7, 2015. **The motion passed unanimously.**

***MINUTES:**

It was unanimously voted to amend and adopt the minutes of the December 7, 2015 Town Council meeting and sealed Executive Minutes of November 12, 2015 and November 30, 2015. See Consent Agenda above.

***MONTHLY DEPARTMENT REPORTS:**

There were no monthly reports.

***UTILITY PETITIONS:**

- Verizon New England Inc.: It was unanimously voted to grant permission to Verizon New England Inc. and Narragansett Electric Company to place one new pole 7-1 on the easterly side of New Meadow Road.
- National Grid: It was unanimously voted to grant permission to National Grid to open the highways at: Priscilla Drive and Water Way.

***ABATEMENT LIST:**

It was unanimously voted to accept the Abatement List in the amount of 9,167.59 and as described therein. See Book 23 Page 130A. See Consent Agenda above.

***SURPLUS PROPERTY:**

There was no surplus property.

***APPOINTMENT OF TREE WARDEN FRANCIS E. CHARETTE, JR., DPW EMPLOYEE:**

It was unanimously voted to appoint Francis E. Charette, Jr. Department of Public Works employee, Tree Warden for the Town of Barrington. See Consent Agenda above.

***REQUEST FOR ROAD RACE: RHODE RACES, SUNDAY, MAY 1, 2016 – 7:30 AM TO 1:00 PM:**

It was unanimously voted to grant the application for a request to hold a road race from RHODE RACES on Sunday, May 1, 2016 from 7:30 AM to 1:00 PM. See Consent Agenda above.

PUBLIC COMMENT:

There was no public comment.

Mrs. Speakman requested to reorder the agenda.

ANNUAL AUDIT PRESENTATION:

Cheryl Langevin, Audit Manager and Patricia Boucher, Director, Bacon & Company, LLC presented the Town audit for the fiscal year ending June 30, 2015. Mrs. Weymouth announced that the Town is the recipient of the Certificate of Achievement for Excellence in Financial Reporting. **No action was taken.**

Mrs. Speakman requested to reorder the agenda.

UPDATE ON CENTRAL BRIDGE WITH RIDOT ENGINEER DAVID FISH:

David Fish, Acting Chief Engineer for the Rhode Island Department of Transportation (RIDOT) updated the Town Council on the Central Bridge Project. Mr. Fish stated that the work on the bridge is approximately 29 days ahead of schedule. He said that the full use of the bridge will take place in October 2016 but the project will not be completed until April 2017 due to landscaping and wetlands restoration. Mr. Primiano questioned Mr. Fish regarding the turning lane which heads west onto Wampanoag Trail. Mr. Fish stated that the turning lane will stretch for the entire length of the bridge which will provide more capacity and less of a backup on the bridge. Mrs. Strong asked about the lane curvature. Mr. Fish said that the lanes will straighten out once the bridge is completed. Mr. DeAngelis thanked Mr. Fish for being responsive and for using his personal time to meet with the Town. **No action was taken.**

BRISTOL COUNTY WATER AUTHORITY (BCWA):

- **Monthly Report:** There were no monthly reports as attachments.
- **Addressing Questions to Legislators – State Funding of Reimbursements and Projects:** Senator Cindy Coyne, Representative Jan Malik, BCWA Directors Allan Klepper and Joel Hellmann were present for the discussion. Discussion ensued regarding Director Allan Klepper's report of highlights and actions taken during October. Mr. Klepper stated that discussions continue on the lack of positive response from the Rhode Island Water Resource Board for the reimbursement of \$761,805 for the maintenance of Massachusetts dam facilities, replacement engineering design for the Shad Factory Pipeline/Pumping Stations, and Pawtucket Interconnection controls, despite the fact that State Law dictates that the RIWRB is responsible for the costs. Mr. Klepper expressed that these projects have been funded from the Authority's Reserves that must be reinstated; or, the burden falls on the ratepayer. Discussion ensued regarding that BCWA considers a law suit against the State; completion of projects (§46-15.5.6); the future of an alternate water supply; current legislation vs. amending legislation; and a request for BCWA to meet with the Governor and Legislators for reimbursement of funds within the upcoming budget of the State of Rhode Island. Representative Malik requests for the Town Council Presidents of Bristol County to address letters to Bristol County Legislators. Joel Hellmann stated without the reimbursement of the approximate \$760,000 that would work out to be approximately 2.75 years of rate increases to ratepayers. **Motion** by Mr. Carroll and seconded by Mr. Primiano for a resolution to call on the Governor and Legislators to appropriate the funds necessary to reimburse the Bristol County Water Authority in accordance with Rhode Island General Law §46-15-5.1 etc. for the \$761,805 expended to maintain the facility by the statute. **The motion passed unanimously.** Discussion ensued regarding shifting projects in order to serve the new Veterans Home in Bristol. Discussion ensued regarding the notification from Bank of America and that it is discontinuing account service; an RFP will be issued for auditing services. Representative Malik, Senator Coyne and on behalf of Representative Hearn presented a check in the amount of \$3000 to the Town Council and Veterans Council to offset the Memorial Day Parade expenses.

Mrs. Speakman requested to reorder the agenda.

PRESENTATION OF THE STRATEGIC PLAN FROM BAY SPRING COMMUNITY CENTER(BSCC):

Friends of the Bay Spring Community Center member, Sydney Montstream-Quas was present to update the Town Council on the Bay Spring Community Center Three-Year Strategic Plan. Ms. Montstream-Quas explained that BSCC has served as a gathering place for art, music, cultural and educational activities. The Friends of the Bay Spring Community Center, works in a public-private partnership with the Town of Barrington, which owns and operates the facility. Mrs. Monstream-Quas highlighted the core strategic initiatives: (I). Build Upon the Existing Public-Private Partnership with the Town of Barrington to Raise Awareness, Expand Support, and Secure the Future of the Facility. (II). Expand the Reach of BSCC Programs through Expanded Participation by Community Members, not just in the Bay Spring Area but also throughout Barrington and, secondarily, the East Bay. (III). Increase the Diversity, Scope, and Appeal of Future Performances with Local Performers and Other Groups. (IV). Establish a Financial, Administrative, and Volunteer Foundation Sufficient to Sustain the Existing Pace of Activities as well as Grow in the Future. Mrs. Weymouth thanked all the board members of the Bay Spring Community Center for their work on the Strategic Plan. **Motion** by Mrs. Weymouth and seconded by Mrs. Strong to receive and file the Bay Spring Community Center Strategic Plan. **The motion passed unanimously.** Mrs. Strong stated that she is very appreciative that the Center will try to expand and reach out to the entire community.

Mrs. Speakman requested to reorder the agenda.

DISCUSS AND ACT ON HUD'S AFFH RULE – AFFIRMATIVELY FURTHERING FAIR HOUSING AND THE RESULTS OF THE STATE PLANNING MEETING ON DECEMBER 7, 2015.

Mrs. Strong stated that on December 7, 2015 under Correspondence, the Town Council received a letter from House of Representative and Minority Leader Brian Newberry to draw one's attention to HUD's AFFFH rule – Affirmatively Furthering Fair Housing. Mrs. Strong said that she is concerned if the Town accepts any future funding from HUD and/or Community Development Block Grants and what the implications would be associated with the acceptance. Mrs. Strong stated that she is concerned with the State Planning Council and way that comprehensive plans may be drafted in the future. Representative Jan Malik and Senator Coyne were present for the discussion. Senator Coyne

suggested that the Town Council invite members of the State Planning Council and to pose these questions and concerns to them.

The following is a statement from Councilman Primiano:

AFFH / R.I. PLANNING (RHODEMAPRI)

BRIAN NEWBERRY'S LETTER WARNS US OF THE RISK OF ACCEPTING HUD MONEY, AND ESPECIALLY CDBG GRANTS, THAT WOULD MANDATE AFFH COMPLIANCE.

THE HUD EXCHANGE STATES THE FOLLOWING:

THAT AFFH RULES APPLY TO "FEDERAL GRANTEEES" (THIS IS CORROBORATED IN MANY OTHER DOCUMENTS AND PRESENTATIONS).

AFTER THE ASSESSMENT OF IMPEDIMENTS, REMEDIES INCLUDE "TAKING MEANINGFUL ACTIONS, IN ADDITION TO COMBATTING DISCRIMINATION, THAT OVERCOME **PATTERNS** OF DISCRIMINATION"

"THE DUTY TO AFFIRMATIVELY FURTHER FAIR HOUSING EXTENDS TO ALL OF A PROGRAMS PARTICIPANTS ACTIVITIES AND PROGRAMS RELATING TO HOUSING AND URBAN DEVELOPMENT."

IN 2009 JUDGE COTE IN RULING ON A MOTION TO DISMISS THE WESTCHESTER CASE STATED: "WHEN A JURISDICTION UNDERTAKES TO BUILD AND REHABILITATE HOUSING FOR LOW AND MODERATE INCOME FAMILIES, FOR EXAMPLE, THIS ACTION IS NOT IN AND OF ITSELF SUFFICIENT TO AFFIRMATIVELY FURTHER FAIR HOUSING."

IN OTHER WORDS, SIMPLY NOT DISCRIMINATING DOES NOT MEAN COMPLIANCE WHERE PATTERNS OF DISCRIMINATION EXIST. IN THE CASE OF BARRINGTON, WE WOULD NOT COMPLY BECAUSE OF THE INTENT TO DISCRIMINATE, BUT SIMPLY BECAUSE WE HAVE SO FEW MINORITY RESIDENTS. THIS "DISPARATE IMPACT" CONCEPT WAS AFFIRMED BY THE U.S. SUPREME COURT IN A 2014 RULING. FURTHERMORE, HUD CONSIDERS A LACK OF CERTAIN HOUSING TYPES AN IMPEDIMENT. IN BARRINGTON "MEANINGFUL ACTION" COULD INCLUDE MANDATING CONSTRUCTION OF HIGH DENSITY, LOCAL TAXPAYER SUBSIDIZED, LOW INCOME HOUSING IN ALL AREAS (CENSUS TRACTS) OF TOWN.

MANY STATE AND FEDERAL OFFICIALS HAVE CLAIMED THAT THERE IS NO INTENT OR AUTHORITY FOR EITHER THE STATE OR FEDERAL GOVERNMENT TO INTERFERE WITH LOCAL ZONING. HOWEVER, BRIAN NEWBERRY'S LETTER QUOTES THE FOLLOWING RESPONSE FROM HUD SECRETARY CASTRO ON WHETHER AFFH REGULATIONS SUPPORT DOING AWAY WITH LAND USE LAWS AT THE LOCAL LEVEL. "WE WON'T BE AFRAID TO USE THE ENFORCEMENT AUTHORITY OF THE DEPARTMENT."

FURTHERMORE IF THIS WERE TRUE, WHY IS PALMER POINTE BEING BUILT IN AN R25 ZONE, AND HOW COULD SHAB OVERTURN OUR PLANNING BOARD DECISION TO DENY A TOTALLY INAPPROPRIATE HIGH DENSITY DEVELOPMENT AT NOCKUM HILL IN AN R40 ZONE? IN THIS CASE ACTIONS TRULY DO SPEAK LOUDER THAN WORDS.

DID THE STATE PLANNING COUNCIL OBLIGATE US TO AFFH BY ACCEPTING HUD MONEY TO FUND RHODEMAPRI?

IN THE APPLICATION TO HUD FOR FUNDING RHODEMAP, STATE PLANNER KEVIN FLYNN SIGNED A DOCUMENT AGREEING TO CONFORM WITH HUD LIVEABILITY PRINCIPLES WHICH INCLUDE AFFH. THIS HUD FUNDED PLAN WAS SUBSEQUENTLY ADOPTED BY THE STATE PLANNING COUNCIL WITHOUT LEGISLATIVE APPROVAL. IT APPEARS THEY ARE KNOWN FOR ATTEMPTING TO INCORPORATE IT INTO THE STATE GUIDE PLAN.

IN REVIEWING THE HUD FAIR HOUSING PLANNING GUIDE I QUESTION WHETHER THE STATE IS IN COMPLIANCE WITH AFFH. IT IS THEIR RESPONSIBILITY TO ENSURE THAT "STATE-FUNDED JURISDICTIONS" COMPLY, YET THEY APPROVED OUR COMPREHENSIVE PLAN WHICH FAILS TO ADEQUATELY ADDRESS AFFH.

I DO NOT BELIEVE THAT HAVING A *STATE* APPROVED COMPREHENSIVE PLAN IN EFFECT UNTIL 2025 SHIELDS US FROM COMPLIANCE WITH *FEDERAL* AFFH MANDATES.

SO WHERE DO WE GO FROM HERE?

1. TO WORK WITH OUR LEGISLATORS TO SPONSOR AND/OR SUPPORT PASSAGE OF STATE LEGISLATION TO ALLOW MUNICIPALITIES TO OPT OUT OF RHODEMAPRI AND LIMIT THE

ABILITY OF THE NON ELECTED STATE PLANNING COUNCIL FROM IMPOSING NEW REGULATIONS WITHOUT LEGISLATIVE APPROVAL.

2. MOST IMPORTANTLY WE SHOULD REFRAIN FROM ACCEPTING ANY HUD OR CDBG GRANTS AND HOPE THAT PAST ACCEPTANCES AND THE CORRESPONDING SIGNED AGREEMENTS TO COMPLY WITH AFFH HAVE NOT ALREADY BOUND US TO THE NEW RULES.

Mr. Primiano stated that he is concerned that we could lose local control; we need to stand up and protect local control. Discussion ensued with amending legislation regarding fair housing. Discussion ensued regarding impediments and penalties to cities and towns if they do not reach their goal. Mrs. Speakman suggested that we place this subject on the February 1, 2016 agenda and invite Jared Rhodes from Statewide Planning. Representative Malik requested that local legislators receive invitations as well.

Chad Mollica, 4 River Oak Road, stated that as a taxpayer he is in a quagmire regarding affordable housing. He said that his fear is that if the Town accepts federal funds from HUD and CDBG what implications will arise. Mr. Mollica said that another concern is with monies (fee-in-lieu funds vs. taxes) within the ShineHarmony agreement; he understands that there is an appropriation of funds to the Housing Board of Trustees. Mr. Carroll stated that the funds are not being "appropriated" but will be "allocated" to the Housing Board of Trustees. The Town Solicitor Michael Ursillo stated that the funds (fee-in-lieu generated money from ShineHarmony) will then be allocated to the Housing Board of Trustees and that these funds come from a private entity and not from taxpayers. Mr. Ursillo said that the Housing Board of Trustees has a threshold of up to \$50,000 and would need approval of the Town Council in order to spend that amount. Mr. Ursillo said, there is oversight over these funds; it is the Town Council. **No action was taken.**

PUBLIC HEARING:

- **Discuss and Act on an Ordinance #2015-7 An Amendment to Chapter 124 of the Ordinances of the Town of Barrington Licenses and Permits Article III Shows, Exhibitions and Entertainment:** Mrs. Speakman opened the public hearing for Ordinance #2015-7 An Amendment to Chapter 124 of the Ordinances of the Town of Barrington Licenses and Permits Article III Shows, Exhibitions and Entertainment which was filed on November 16, 2015 and introduced on December 7, 2015 and set for public hearing on January 4, 2016. There was no public comment. **Motion** by Mrs. Weymouth and seconded by Mr. Primiano to adopt Ordinance #2015-7 An Amendment to Chapter 124 of the Ordinances of the Town of Barrington Licenses and Permits Article III Shows, Exhibitions and Entertainment. **The motion passed unanimously.**

DISCUSS AND ACT ON BIDS:

- **Award Bid of Equipment for 2 Police Cruisers:** Continued until the next Town Council meeting on February 1, 2016.
- **Award Bid for Street Light Maintenance:** **Motion** by Mrs. Weymouth and seconded by Mr. Carroll for the Town Council authorizing the Town Manager to contract with Siemens Industry Inc., of Billerica, MA in accordance with the company's bid submitted in response to the RFP for Streetlight Maintenance Services, issued by the Towns of Barrington and Bristol, to be effective as of the date of acquisition of streetlights from National Grid as described in a memorandum from Phil Hervey dated December 22, 2015. **The motion passed unanimously.**

INTRODUCTION OF ORDINANCE AMENDING CODE OF THE TOWN OF BARRINGTON:

- **#2016-1 An Ordinance to Amend Chapter 185 Zoning Article II Definitions and Add New Article XXXI Senior Residential Village District with Zoning Map Change to Assessors Plat 14, Lots 2, 4, 13 and 341-343:** **Motion** by Mrs. Weymouth and seconded by Mr. Carroll to introduce an Ordinance to Amend Chapter 185 Zoning Article II Definitions and Article XXXI Senior Residential Village District with Zoning Map Change to Assessors Plat 14, Lots 2, 4, 13 and 341-343 and set for Public Hearing on February 1, 2016. **The motion passed unanimously.**
- **#2016-2 An Ordinance to Amend Chapter 185 Zoning Article XXVII Low and Moderate Income Housing: Mandatory Inclusionary Zoning Requirements:** **Motion** by Mrs. Weymouth and seconded by Mr. Carroll to introduce an Ordinance #2016-2 to Amend Chapter 185 Zoning Article XXVII Low and Moderate Income Housing: Mandatory Inclusionary Zoning Requirements and set for Public Hearing on February 1, 2016. **The motion passed unanimously.**

REVIEW AND DISCUSSION OF SHINEHARMONY AGREEMENT

Mrs. Strong stated that she had nothing further to add to the subject.

REQUEST FOR AUTHORIZATION OF APPROVAL UP TO \$750 FROM TOWN COUNCIL CONTINGENCY FUND FOR FORUM ON OPEN MEETINGS, PARLIAMENTARY PROCEDURES AND ETHICS ON WEDNESDAY, FEBRUARY 24, 2016:

Motion by Mrs. Weymouth and seconded by Mrs. Strong to approve the request of up to \$750 from the Town Council Contingency Fund for a forum on open meetings, parliamentary procedures and ethics on Wednesday, February 24, 2016. **The motion passed unanimously.**

SET AGENDA FOR MONDAY, FEBRUARY 1, 2016:

- Continuation of the Public Hearing for Reusable Bags
- Public Hearing for Ordinances 2016-1 and 2016-2
- Equipment for 2 Police Cruisers
- Statewide Planning with Jared Rhodes, Secretary, Rhode Island Division of Planning, Acting Associate Director with an invitation to the Town's State Legislators

EXECUTIVE SESSION IN ACCORDANCE WITH RIGL:

- **Discuss and Approve Sealed Minutes of Executive Session on December 7, 2015**
- **42-46-5 (a) (2) Collective Bargaining – Police, DPW and Dispatchers**
- **42-46-5 (a) (2) Litigation Re. Shaw's Tax Appeal**

Motion by Mrs. Weymouth and seconded by Mrs. Strong to move into executive session at 9:11 PM in accordance with RIGL 42-46-5 (a) 2 Collective Bargaining – Police, DPW and Dispatchers; 42-46-5 (a) (2) Litigation Re. Shaw's Tax Appeal and to Discuss and Approve Sealed Minutes of Executive Session on December 7, 2015. **The motion passed unanimously.**

Motion by Mrs. Weymouth and seconded by Mrs. Strong to move out of executive session at 9:35 PM, a vote was taken and to seal the minutes of the executive session. **The motion passed unanimously.**

ADJOURN:

Motion by Mrs. Weymouth to adjourn the meeting at 9:35 P.M.

Meredith J. DeSisto, Town Clerk